

**NO
POSTPONEMENT
IN FRANK
HEARING**

Supreme Court
Issues Rul-

ing That Argument
in the

Murder Case Must Begin About December 15.

There will be suspension of the rules of the supreme court to give attorneys more time in which to prepare to argue the Frank case, notwithstanding the fact that counsel for the state and for the defense united in a request for more time. After a brief conference of the justices yesterday morning it was decided that if the papers reached the court by December 1 the argument will be set down for about December 15.

Following the conference of the justices, Clark Harrison announced to the attorneys in the case that the rule of the court could not be varied. Clerks of superior courts are allowed by law only fifteen days in which to file with the supreme court the records in appealed cases, no matter how voluminous they may be. The motion for a new trial was denied by Judge Roan on October 31. The record must accordingly be filed the 15th of this month. After that no longer than a month may elapse before the case shall be argued.

Asked for Postponement.

Attorneys Rosser and Arnold, on behalf of the defense, called upon Solicitor Hugh Dorsey Monday morning and asked if he would consent to a motion to postpone the argument of the case in the supreme court until January. Mr. Dorsey did so

consent, and dispatched his assistant, E. A. Stephens, to the capitol to make the request of the supreme court.

Attorneys for the defense stated that, on account of the voluminous record in the case and the fact that both of them will be engaged a large part of their time to the lower courts for the ensuing two weeks, they would like to have a postponement.

The assistant solicitor general stated that Mr. Dorsey will be engaged in the criminal division of the superior court continuously until Christmas. He explained that the criminal docket is greatly congested, and that the jail is crowded with prisoners awaiting trial.

After hearing from the attorneys, the justices declared that they would take the matter under advisement and notify the attorneys of their decision within a few hours. This they did just before noon, when Clerk Harrison called up the attorneys and told them that the court had decided that the routine procedure could not be varied, and that the case would come up for argument on or about December 15, provided the papers reached the court by December 1.

Light Term for Conley.

It is expected that Jim Conley, the negro on whose evidence the state relied largely to secure Leo M. Frank's conviction, will be arraigned today, and that he will plead guilty to being an accessory after the fact to the murder of Mary Phagan. The maximum punishment which may be meted out in a case of this sort is three years in the penitentiary.

It is not believed, however that the negro will be given the maximum penalty, and he will probably be punished as for a misdemeanor. There has been no expectation of Conely being arraigned on a more serious charge, since Solicitor Dorsey announced his intention not to prosecute the negro for murder.

Friends of Leo Frank will not raise any objection to Conely's entering a plea of guilty as accessory after the fact to the murder

of Mary Phagan. They point out that when the negro finds himself immune from further prosecution there will be no motive for him to tell a lie, and they believe that, rather than see an innocent man hanged, whom he could have saved, he will confess the crime himself.

They will endeavor to induce the police to make an effort to secure a confession from the negro.
